

APPLICANT: PetroPlex Joint Venture
PHONE #: (678) 464-5502 **EMAIL:** tmitchell@mitchellfirm.com
REPRESENTATIVE: Eric Hodge
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TITLEHOLDER: Petroplex Joint Venture LLC

PETITION NO: Z-87
HEARING DATE (PC): 12-05-17
HEARING DATE (BOC): 12-19-17
PRESENT ZONING: GC

PROPERTY LOCATION: east side of Canton Road, south of
Powell Wright Road
(2120 Canton Road)

PROPOSED ZONING: NRC

ACCESS TO PROPERTY: Canton Road

PROPOSED USE: kitchen and cabinet
showroom

PHYSICAL CHARACTERISTICS TO SITE: closed
convenience store with fuel sales

SIZE OF TRACT: 0.8786 acres
DISTRICT: 16
LAND LOT(S): 708
PARCEL(S): 53
TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 3

CONTIGUOUS ZONING/DEVELOPMENT

NORTH: GC/ Retail and auto repair
SOUTH: GC/ Retail commercial center
EAST: R-20/ Whispering Pines Subdivision
WEST: GC/ Retail commercial

Adjacent Future Land Use:
Northwest: NAC
Northeast: TCU
South: NAC
Southwest: NAC

OPPOSITION: NO. OPPOSED **PETITION NO:** _____ **SPOKESMAN** _____

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____
REJECTED _____ **SECONDED** _____
HELD _____ **VOTE** _____

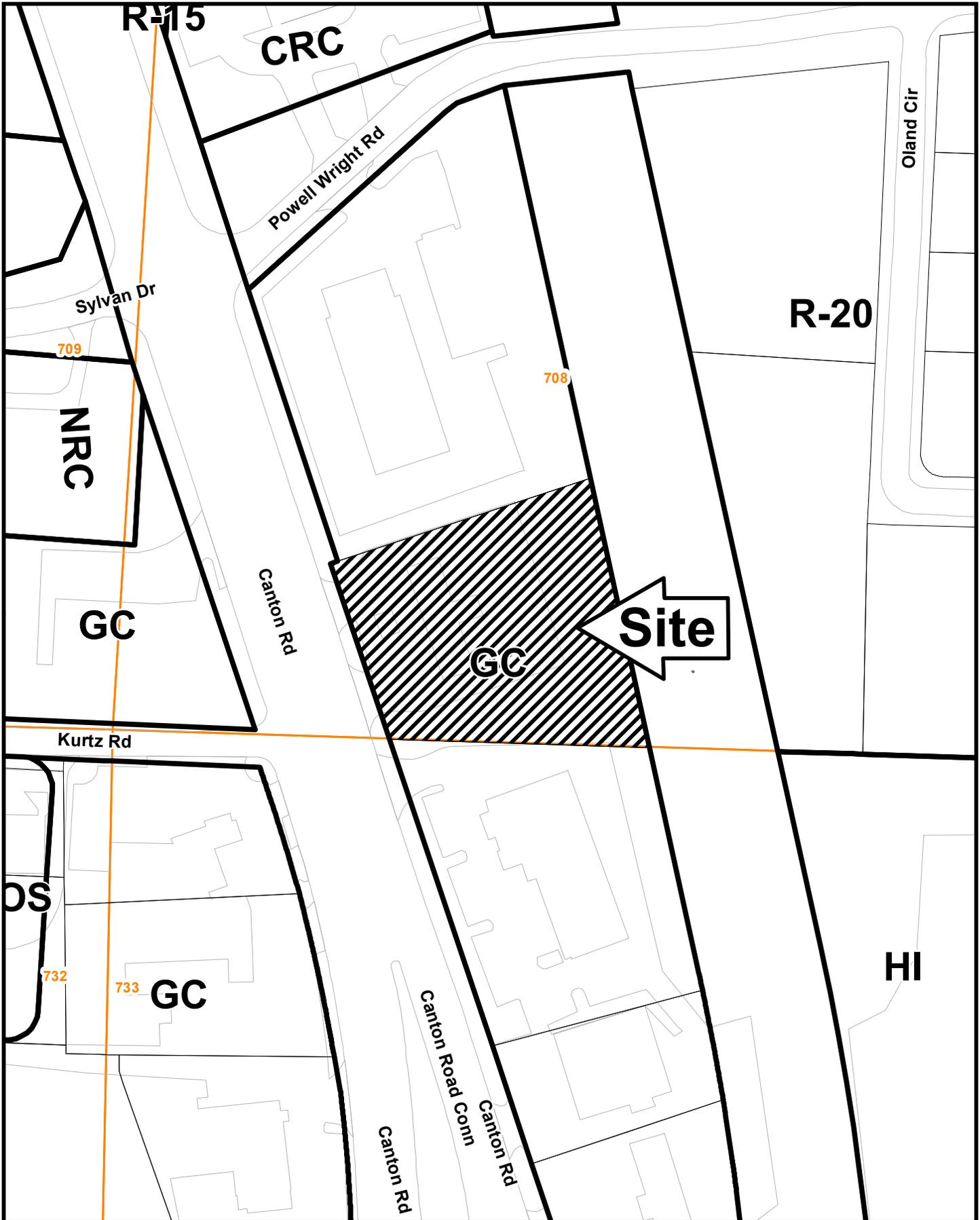
BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____
REJECTED _____ **SECONDED** _____
HELD _____ **VOTE** _____

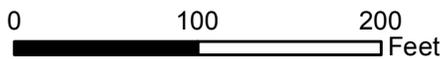
STIPULATIONS:



Z-87 2017-GIS



This map is provided for display and planning purposes only. It is not meant to be a legal description.



-  City Boundary
-  Zoning Boundary

APPLICANT: PetroPlex Joint Venture

PETITION NO.: Z-87

PRESENT ZONING: GC

PETITION FOR: NRC

ZONING COMMENTS:

Staff Member Responsible: Terry Martin, MPA

Land Use Plan Recommendation: Neighborhood Activity Center (NAC)

Proposed Number of Buildings: 1 **Total Square Footage of Development:** 2,340 sq. ft.

F.A.R.: 0.06 **Square Footage/Acre:** 2,659 sq. ft.

Parking Spaces Required: 9 **Parking Spaces Provided:** 0

The applicant is requesting a rezoning of the subject property from its current General Commercial (GC) to the Neighborhood Retail Commercial (NRC) in order to expand the existing building to the extent of the existing canopy and reopen the commercial site for a kitchen and cabinet showroom. The property must be rezoned before renovations and a change of use are allowed because of the GC being located in the Neighborhood Activity Center (NAC) future land use category.

The applicant states the showroom will be open Monday through Saturday 8 a.m. to 5 p.m., and will employ four to six persons.

Cemetery Preservation: No comment.

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SITE PLAN REVIEW SECTION COMMENTS:

The property owner will be required to obtain a Land Disturbance Permit if there are any staff comments or approval stipulations which require any type of site modifications (fencing, landscaping, curb/gutter & sidewalk installation, etc.).

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PETITION FOR: NRC

SCHOOL COMMENTS:

<u>Name of School</u>	<u>Enrollment</u>	<u>Capacity Status</u>	<u>Number of Portable Classrooms</u>
NOT SUBMITTED	_____	_____	_____
Elementary NOT SUBMITTED	_____	_____	_____
Middle NOT SUBMITTED	_____	_____	_____

High

- School attendance zones are subject to revision at any time.

Additional Comments: Approval of this petition will not have an impact on the enrollment.

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FIRE COMMENTS:

NO COMMENTS: After analyzing the information presented for a Preliminary Review, the Cobb County Fire Marshal's Office is confident that all other items can be addressed during the Plan Review Stage.

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PLANNING COMMENTS:

The applicant is requesting a rezoning to allow the site to be used for a kitchen and cabinet showroom. The 0.879 acre site is located on the east side of Canton Road, south of Powell Wright Road (2120 Canton Road).

HB-489 Intergovernmental Agreement Zoning Amendment Notification:

Is the application site within one half (1/2) mile of a city boundary? Yes No
If yes, has the city of Marietta been notified? Yes No / N/A

Comprehensive Plan

This application pertains to a site designated as Neighborhood Activity Center (NAC) future land use category. The purpose of the NAC category is to provide for areas that serve neighborhood residents and businesses. Typical land uses for these areas include small offices, limited retail and grocery stores.

Specific Area Policy Guidelines:

There are no specific policy guidelines for this area in the Comprehensive Plan.

Adjacent Future Land Use:

Northwest: NAC
Northeast: Transportation / Communication / Utilities (TCU)
South: NAC
Southwest: NAC

Master Plan/Corridor Study

The property is located within the boundary of the Canton Road Corridor Study.

Historic Preservation

After consulting various county historic resources surveys, historic maps, archaeology surveys and Civil War trench location maps, staff finds that no known significant historic resources appear to be affected by this application. No further comment. No action by applicant requested at this time.

Design Guidelines

Is the parcel in an area with Design Guidelines? Yes No

If yes, design guidelines area Canton Road Design Guidelines

Does the current site plan comply with the design requirements?

- Pedestrian access to buildings
 Yes No Not applicable
- Streetscape elements
 Yes No Not applicable
- Building Frontage
 Yes No Not applicable
- Parking Standard
 Yes No Not applicable
- Architecture standard
 Yes No Not applicable

YES indicates applicant has met the corresponding issue.
NO indicates applicant has not met the corresponding issue and/or there is not enough information provided.
N/A indicates issue is not applicable.

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PLANNING COMMENTS:

CONT.

Incentive Zones

Is the property within an Opportunity Zone? Yes No

The Opportunity Zone is an incentive that provides \$3,500 tax credit per job in eligible areas if two or more jobs are being created. This incentive is available for new or existing businesses.

Is the property within an Enterprise Zone? Yes No

The Smyrna-Osborne Enterprise Zone is an incentive that provides tax abatements and other economic incentives for qualifying businesses locating or expanding within designated areas for new jobs and capital investments.

Is the property eligible for incentives through the Commercial and Industrial Property Rehabilitation Program? Yes No

The Commercial and Industrial Property Rehabilitation Program is an incentive that provides a reduction in ad valorem property taxes for qualifying redevelopment in eligible areas.

For more information on incentives, please call the Community Development Agency, Planning Division at 770.528.2018 or find information online at www.cobbcounty.org/planning.

Special Districts

Is this property within the Cumberland Special District #1 (hotel/motel fee)?

Yes No

Is this property within the Cumberland Special District #2 (ad valorem tax)?

Yes No

Is this property within the Six Flags Special Service District?

Yes No

Is the property within the:

Dobbins Airfield Safety Zone?

CZ (Clear Zone)

APZ I (Accident Potential Zone I)

APZ II (Accident Potential Zone II)

Noise Zone

Bird / Wildlife Air Strike Hazard (BASH) area

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PRESENT ZONING GC

PETITION FOR NRC

WATER COMMENTS:

NOTE: Comments reflect only what facilities were in existence at the time of this review.

Available at Development: Yes No

Fire Flow Test Required: Yes No

Size / Location of Existing Water Main(s): 8" CI / W side of Canton Rd

Additional Comments:

Developer may be required to install/upgrade water mains, based on fire flow test results or Fire Department Code. This will be resolved in the Plan Review Process.

SEWER COMMENTS:

NOTE: Comments reflect only what facilities were in existence at the time of this review.

In Drainage Basin: Yes No

At Development: Yes No

Approximate Distance to Nearest Sewer: 260' S in Dogwood Drive, if elevations allow

Estimated Waste Generation (in G.P.D.): A D F= 160 Peak= 400

Treatment Plant: Nonday

Plant Capacity: Available Not Available

Line Capacity: Available Not Available

Projected Plant Availability: 0 - 5 years 5 - 10 years over 10 years

Dry Sewers Required: Yes No

Off-site Easements Required: Yes* No *If off-site easements are required, Developer must submit easements to CCWS for review/approval as to form and stipulations prior to the execution of easements by the property owners. All easement acquisitions are the responsibility of the Developer

Flow Test Required: Yes No

Letter of Allocation issued: Yes No

Septic Tank Recommended by this Department: Yes No

Subject to Health Department Approval: Yes No

Additional Health Dept approval required for continued use of existing septic system.
Comments:

Developer will be responsible for connecting to the existing County water and sewer systems, installing and/or upgrading all outfalls and water mains, obtaining on and/or offsite easements, dedication of on and/or offsite water and sewer to Cobb County, as may be required. Rezoning does not guarantee water/sewer availability/capacity unless so stated in writing by the Cobb County Water System. Permit issuances subject to continued treatment plant compliance with EPD discharge requirements.

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STORMWATER MANAGEMENT COMMENTS

No substantial improvements are proposed. Stormwater management must be provided upon redevelopment or substantial site improvement (>5000 sf). A copy of the Georgia EPD underground storage tank closure report must be provided.

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TRANSPORTATION COMMENTS:

ROADWAY	ROADWAY CLASSIFICATION	SPEED LIMIT	JURISDICTIONAL CONTROL	MIN. R.O.W. REQUIREMENTS
Canton Road	Arterial	45 mph	Cobb County	100'

ROADWAY	LOCATION	AVERAGE DAILY TRIPS	LEVEL OF SERVICE
Canton Road	South of Blackwell Lane	27,100	D

*Based on 2016 AADT counting data taken by GDOT, as published on their website, for Canton Road.
 Planning Level of Service based on available Average Daily Trips using GRTA guideline thresholds. Classification thresholds for LOS A and LOS B are not available for local roads from this data source.
 LOS C or D is acceptable based on GDOT Design Policy Manual criteria.*

COMMENTS AND OBSERVATIONS

Canton Road is classified as an arterial and according to the available information the existing right-of-way does meet the minimum requirements for this classification.

RECOMMENDATIONS

Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.

Recommend removing and closing the southernmost entrance on Canton Road that development renders unnecessary.

Recommend curb, gutter, and sidewalk along the Canton Road frontage.

Recommend applicant coordinate with Cobb County DOT prior to development plan approval to ensure compatibility with the proposed Canton Road Corridor Improvement SPLOST project.

STAFF RECOMMENDATIONS

Z-87 PETROPLEX JOINT VENTURE

- A. It is Staff's opinion that the applicant's rezoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties. The area contains commercially zoned property on three sides facing Canton Road.
- B. It is Staff's opinion that the applicant's rezoning proposal will not have an adverse effect on the usability of adjacent or nearby property. The applicant's proposal would be consistent with other commercial uses on Canton Road.
- C. It is Staff's opinion that the applicant's rezoning proposal will not result in a use which would cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. This opinion can be supported by the departmental comments contained in this analysis.
- D. It is Staff's opinion that the applicant's rezoning proposal is in conformity with the policy and intent of the *Cobb County Comprehensive Plan* which delineates the property to be within the Neighborhood Activity Center (NAC). This future land use category encourages uses such as small offices, limited retail, and grocery stores. The applicant intends to expand the building's footprint to encompass the area under the existing canopy and utilize the entire space as a showroom for kitchen and cabinets. No fabrication will be done on site.
- E. It is Staff's opinion that there are existing and changing conditions affecting the use and development of the property which give supporting grounds for approving the applicant's rezoning proposal. The request will allow reutilization of the subject parcel, which has an established commercial history. The applicant intends to improve the existing structure so that it can include commercial enterprise uses such as the intended showroom. The property will continue to fulfil its NAC future land use category intent following the applicant's improvements.

Based on the above analysis, Staff recommends **APPROVAL** subject to the following conditions:

1. Site plan received by the Zoning Division on October 5, 2017 with the District Commissioner approving minor modifications;
2. A parking and landscape plan to be approved by the District Commissioner to provide adequate parking as well as frontage landscaping;
3. Prior to issuance of building permits, the District Commissioner to approve building architecture;
4. Department of Transportation comments and recommendations;
5. Fire Department comments and recommendations;
6. Stormwater Management Division comments and recommendations; and
7. Sewer and Water Division comments and recommendations.

The recommendations made by the Planning and Zoning Staff are only the opinions of the Planning and Zoning Staff and are by no means the final decision. The Cobb County Board of Commissioners makes the final decisions on all Rezoning and Land Use Permits at an advertised public hearing.

Dec
2017

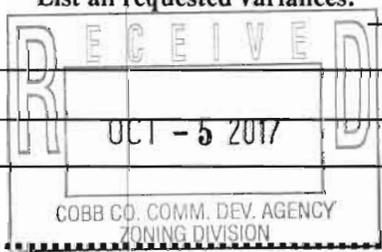
Summary of Intent for Rezoning

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Part 1. Residential Rezoning Information (attach additional information if needed)

- a) Proposed unit square-footage(s): _____
- b) Proposed building architecture: _____
- c) List all requested variances: _____

.....
Part 2. Non-residential Rezoning Information (attach additional information if needed)

- a) Proposed use(s): Kitchen + Cabinets Showroom.
- b) Proposed building architecture: Existing To Remain.
- c) Proposed hours/days of operation: 8-5 M-S.
- d) List all requested variances: No.



.....
Part 3. Other Pertinent Information (List or attach additional information if needed)

.....
 Part 4. Is any of the property included on the proposed site plan owned by the Local, State, or Federal Government?
 (Please list all Right-of-Ways, Government owned lots, County owned parcels and/or remnants, etc., and attach a plat clearly showing where these properties are located).

No.



2120 Canton Road Zoning Application

Impact of the proposed rezoning with respect to each of the following matters:

(a) Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property: **Answer: Yes.** All of the surrounding properties are Commercial use as follows:

Property to the **North: 2140 Canton Hwy. D &K Southern Power Equipment.** Sales and Service of commercial power equipment: Commercial Lawnmowers; Concrete Cutters; Chain Saws; Pressure Washers; etc. Construction: Metal Warehouse Buildings

Property to the **North: 2218 Canton Hwy. Casteel HVAC.** Sales and Service of HVAC systems. Construction: Metal Warehouse Buildings

Property to the **South:** Trophy/awards store; Bike Shop repairs and sales; Mr. Sparky electric. Construction: Brick and siding

Property to the **East:** Commercial railroad with diesel trains. Construction: Railroad track, metal, wood, and rocks.

Property to the **West (across the street): 2083 Canton Road, NAPA Auto Repair; 2093 Canton Road \$13 Emissions and Muffler/Auto Repair; 2165 Canton Road G&H Horse Shoe Sales; 880 Sylvan Road (at intersection of Canton Road) Maple Leaf Landscaping.** All are Metal Warehouses other than Maple Leaf which is an old ranch home converted to landscaper truck yard.

Applicants use is similar.

(b) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property. **Answer: No. All of the surrounding properties are general Commercial use as outlined in (a) above.**

(c) Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned. **Answer: The economic use as currently zoned is much better based on the rest of the commercial and industrial use on the road, but the applicant had been informed that they must rezone it to a less desirable and useful zoning category.**

(d) Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. **No. The impact will be minimal.**

(e) Whether the zoning proposal is in conformity with the policy and intent of the land use plan. **Yes**

(f) Whether there are other existing or changing conditions affecting the use and development of the property, which give supporting grounds for either approval or disapproval of the zoning proposal. **Yes. An unoccupied property will be in service.**

Z-87 (2017)
Existing
Condition of
Property

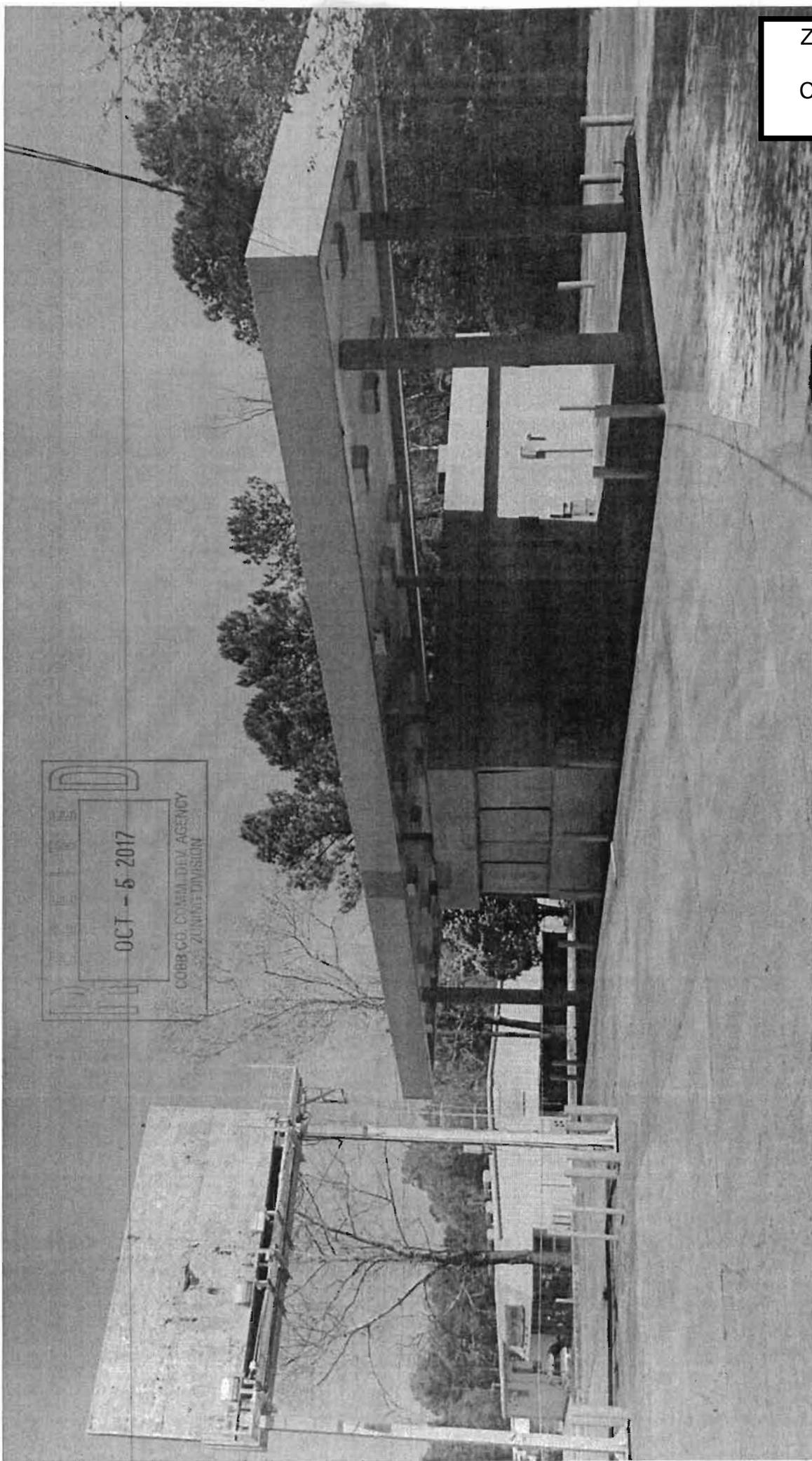


PHOTO
OCT - 5 2017
COBB CO. COMMUNITY DEV. AGENCY
ZONING DIVISION